



Paper No. 12

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MAILED

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Technology Center 2100

In re Application of: Umesh Bhavsar)
Application No.: 09/581,046)
Filed: June 8, 2000) **DECISION ON PETITION UNDER 37**
For: SWITCHED CONNECTION) **C.F.R. § 1.181 TO WITHDRAW**
SYSTEM WITH ACCESS TO ITS) **HOLDING OF ABANDONMENT**
OWN RESOURCES VIA THE)
INTERNET)

This is a decision on the petition filed December 22, 2003 under 37 CFR § 1.181 to a withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to file a timely response to the Office action of mail date May 9, 2003. A Notice of Abandonment was mailed on December 3, 2003.

In support of the petition, Petitioner provides a copy of (1) an amendment filed in response to the Office action of mail date May 9, 2003, (2) a substitute specification, (3) an RCE transmittal including authorization to charge RCE and extension of time fees to Deposit Account No. 03-1952, (4) a petition for extension of time, (5) a fee transmittal sheet, and (6) a post card with a PTO stamp indicating receipt at the USPTO on November 10, 2003 of the aforementioned items.

M.P.E.P. § 503 states:

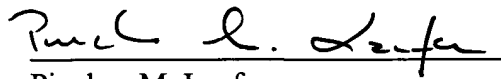
A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on November 10, 2003 with the authorization to charge the requisite fee for a three-month extension of time necessary for the response to be considered timely. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file. Office records reflect the posting of the fees to the application on November 13, 2003.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the

amendment and RCE. After processing, the application will then be forwarded to the Examiner for appropriate action.



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